

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4602 of 1982

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

D S VASAVDA & ORS.

Versus

CHAIRMAN -GUJARAT ELECTRICITY BOARD & ORS.

Appearance:

PARTY-IN-PERSON for Petitioners
MR MD PANDYA for Respondent No. 1 & 2
None present for other Respondents

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 20/09/96

ORAL JUDGMENT

Heard learned counsel for the parties. The petitioners prayed for direction to the respondents No.1 and 2 to give them promotion to the post of Dy. Engineers with retrospective dates with other consequential benefits.

2. Shri M.D.Pandya, learned counsel for the

respondents No.1 and 2 made a statement before the Court that the petitioners No.2,3,4,5, and 6 have already been given promotion on the post of Dy.Engineers under the office orders No.2831, 336, 1295, 1526, & 2832 dated 21.9.84, 17.1.84, 20.4.83, 17.4.84 and 4.9.84 respectively, and as such, this Special Civil Application does not survive. Shri D.S.Vasavda, petitioner No.1, present in person, contended that other petitioners have claimed promotions from the dates on which their juniors were promoted and as such this petition survives.

3. I do not find justification in the contention of petitioner No.1. The claim of promotion from the dates on which juniors were promoted is not automatic and cannot be granted merely on asking. The case of the petitioners has to be considered qua their juniors for promotion and only in case the authority competent to adjudge suitability of promotion judges them suitable then only the question arises for their promotion and not otherwise. The fact remains that the petitioners have already been given promotion and as such, substantial grievance of the petitioner stands resolved. However, still the petitioners or any of the petitioner considers that some thing further has to be granted to them, either the deemed date of promotion or any other benefit, then it shall be open to them to make representation in this respect and in case such a representation is made, it is obligatory on the part of respondent No.1 to decide the same in accordance with law and if necessary, after giving opportunity of hearing to the petitioners or any of the petitioner who has made such representation.

4. This writ petition stands disposed of with aforesaid directions. Rule also stands disposed of accordingly with no order as to costs.

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(sunil)